

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **MERCHANDISER FOR WARM AND COLD FOODS**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specifications, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Philip B. Polster, Reg. No. 16,554, Frederick M. Woodruff, Reg. No. 15,301, J. Philip Polster, Reg. No. 24,739, Lionel L. Lucchesi, Reg. No. 25,891, William G. Bruns, Reg. No. 19,541, Edward A. Boeschstein, Reg. No. 22,986, William B. Cunningham, Jr., Reg. No. 26,155, Gregory E. Upchurch, Reg. No. 28,482, Ralph B. Brick, Reg. No. 17,444, Michael Kovac, Reg. No. 22,140, McPherson D. Moore, Reg. No. 28,449, J. Joseph Muller, Reg. No. 28,450, Richard J. Sher, Reg. No. 27,282, Jonathan P. Soifer, Reg. No. 34,932, Ned W. Randle, Reg. No. 35,989, and Martha A. Michaels, Reg. No. 20,453.

Direct all telephone calls to EDWARD A. BOESCHENSTEIN at Telephone No. (314) 872-8118.

Address all correspondence to Polster, Lieder, Woodruff & Lucchesi, L.C., 763 South New Ballas Road, St. Louis, MO 63141.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

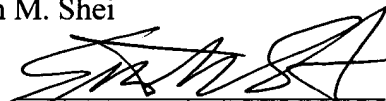
Full name of First Inventor: Steven M. Shei

Inventor's Signature:

Residence:

Citizenship:

Post Office Address:

  
Fort Wayne, Indiana 46809

Date: 10-4-99

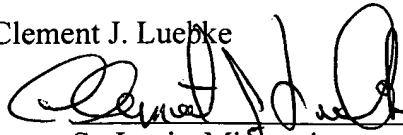
USA

11334 Branstrator Road

66107 6926460

Full name of Second Inventor: Clement J. Luebke

Inventor's Signature:



Date: 10-4-99

Residence:

St. Louis, Missouri

Citizenship:

USA

Post Office Address:

7464 Woodlawn Colonial Lane

66°FOT" E926T460

Duke Manufacturing Company (DUKE 7227US)

Re: MERCHANDISER FOR WARM AND COLD FOODS

A merchandiser

B counter

2.	upper compartment	70.	recess
4.	lower compartment	72.	motor panel
6.	top	74.	intake panel
8.	cutouts	76.	intake opening
		78.	discharge slots
12.	cold pan	80.	beveled segment
14.	closure assembly	82.	thermal insulation
		84.	cross rails
18.	heating unit	86.	main panel
20.	refrigeration unit	88.	bottom panel
		90.	thermal insulation
24.	front wall	92.	flanges
26.	back wall	94.	arcuate notches
28.	side walls	96.	wire rack
30.	bottom wall		
32.	inner panels	100.	front door
34.	outer panels	102.	rear door
36.	thermal insulation	104.	hinge bracket
38.	drain	.	
40.	flange	108.	handle
42.	shelf	110.	hinge brackets
44.	angle brackets	112.	handle
46.	racks		
48.	menu bar	116.	plenum
50.	side walls		
52.	panel	120.	motor
		121.	upper fan
54.	post	122.	lower fan
		123.	heat sink
56.	hinge bracket	124.	heating element
58.	hinge bracket	126.	temperature sensor
		127.	limit switch
60.	lamp	128.	controls
62.	lamp shield	130.	compressor
64.	housing	132.	condenser
66.	shelf	134.	frame
68.	main panel	136.	evaporator coil
69.	end caps		

05449263-101199

**Applicant** : Steven M. Shei and  
Clement J. Luebke

**Attorney's Docket No:** DUKE 7227US

**Serial No** : **Filed** :

**For** : MERCHANDISER FOR WARM AND COLD FOODS

**VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY STATUS  
(37 CFR §1.9(f) AND §1.27(b))  
INDIVIDUAL INVENTOR**

We hereby declare that we are:

- ( ) the owner of the small business concern identified below;  
( X ) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN : Duke Manufacturing Company  
ADDRESS OF CONCERN : 2305 North Broadway  
St. Louis, Missouri 63102

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MERCHANDISER FOR WARM AND COLD FOODS, by inventors Steven M. Shei and Clement J. Luebke, described in

- ( X ) the Specification filed herewith.  
( ) Application Serial No. , filed .  
( ) Patent No. , issued .

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the

09419263-101199

which would not qualify as a small business concern under 37 CFR § 1.9(d) or a non-profit organization under 37 CFR § 1.9(e).

*Note:* Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27).

FULL NAME :  
ADDRESS :

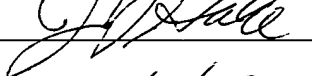
( ) Individual (X) Small Business Concern ( ) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

*Name of Person Signing* : Jack Hake  
*Title of Person* : President

*Address of Peson Signing* : 2305 North Broadway  
St. Louis, Missouri 63102

*Signature* :   
*Date* : 10/5/99